

**ORDINANCE NO. 1699 (2021 SERIES)**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN LUIS OBISPO, CALIFORNIA, AMENDING TITLE 10, CHAPTER 52 (PARKING METERS), OF THE SAN LUIS OBISPO MUNICIPAL CODE**

**WHEREAS**, California State law provides, in Vehicle Code Section 22508, that cities must establish parking meter rates by ordinance; and

**WHEREAS**, the parking program needs to continue to be self-sufficient for its financial commitments; and

**WHEREAS**, the City needs to continue to financially support the operation and debt service of the next City parking structure; and

**WHEREAS**, the Council considered the parking revenue enhancement strategies presented as part of the 2021-23 Financial Plan staff report and held a public meeting on the proposed changes to the parking structure rates.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of San Luis Obispo as follows:

**SECTION 1.** Chapter 10.52 (Parking Meters) of the San Luis Obispo Municipal Code is hereby amended as follows:

**Chapter 10.52 PARKING METERS AND PARKING PAYMENT CENTERS**

**SECTION 2.** Section 10.52.010 (Parking meter zone - Rates) of the San Luis Obispo Municipal Code is hereby amended as follows:

**10.52.010 Paid Parking zone – Rates.**

- A. Within the area enclosed by a solid line on the parking rate zone map (Exhibit A) the parking of vehicles on streets or in municipal parking lots may be controlled and regulated with the aid of parking meters as defined in section 10.04.110 and/or parking payment centers as defined in section 10.04.120.
- B. Within the dotted area designated on the parking rate zones map (Exhibit A) the base rate for parking on streets or in municipal parking lots in the lower rate zone shall be one dollar and twenty-five cents per hour effective July 1, 2021.
- C. Within the cross-hatched area designated on the parking rate zones map (Exhibit A) the base rate for parking meters on streets or in municipal parking lots shall be one dollar and seventy-five cents per hour effective July 1, 2021.

- D. Within the grey-shaded area designated on the parking rate zones map (Exhibit A), the base rate for parking meters on streets or in municipal lots shall be two dollars per hour effective July 1, 2021.
- E. The tier-based parking rates, which allow a customer to extend their parking session beyond the posted number of hours, are as follows:
  - 1. Tier 1: The base hourly rate per rate zone
  - 2. Tier 2: The Tier 2 rate is effective for one additional hour beyond the Tier 1 time and is 50% above the Tier 1 rate rounded up or down to the nearest twenty-five cent increment whichever is closer
  - 3. Tier 3: The Tier 3 rate is effective after expiration of the Tier 2 hour(s) and is 50% above the Tier 2 rate rounded up or down to the nearest twenty-five cent increment whichever is closer.
- F. Signage for the tier-based parking rates reflects the number of hours a vehicle may park at the base hourly parking rate (Tier 1) before subsequent tiered rates take effect.
  - 1. 1+ parking rate: Parking up to one hour at the base hourly parking rate before Tier 2 is in effect.
  - 2. 2+ parking rate: Parking up to two hours at the base hourly parking rate before Tier 2 is in effect.
  - 3. 3+ parking rate: Parking up to three hours at the base hourly parking rate before Tier 2 is in effect.
  - 4. 4+ parking rate: Parking up to four hours at the base hourly parking rate before Tier 2 is in effect.
- G. The Public Works Director may periodically adjust the hourly parking rates on any block or set of blocks within the areas designated on the parking rate zones map (Exhibit A) during the time of operation as detailed in section 10.52.020 up to and including 120% of the effective hourly rate based on the observed occupancy. Hourly parking rates shall be adjusted not more than every 30 days.

(Ord. 1683 § 1 (Exhs. A, B), 2020; Ord. 1635 § 1 (Exhs. A, B), 2017; Ord. 1620 § 1 (Exh. A), 2015; Ord. 1568 § 1, 2011; Ord. 1552 § 2, 2010; Ord. 1532 § 2, 2009; Ord. 1492 § 1, 2006; Ord. 1233 § 1, 1993; Ord. 1194 § 1, 1991; Ord. 1099 § 1, 1987; prior code § 3213)

**SECTION 3.** Section 10.52.020 (Installation) of the San Luis Obispo Municipal Code is hereby amended as follows:

**10.52.020 Installation.**

- A. The Public Works Director or their designee(s) may cause parking meters, parking payment centers, and/or mobile payment methods to be installed and maintained in all parking rate zones.

- B. Parking meters shall be installed upon the curb or sidewalk area immediately adjacent to each parking space. Each meter shall be placed in such manner as to show or display by a sign or signal that the parking space adjacent thereto is or is not legally in use.
- C. Each parking meter shall be set to display, after the operational procedure has been completed, a sign or signal indicating legal parking for that period of time conforming to the limit of parking time for the zone in which the parking meter is installed, and shall continue to operate from the time of the completion of the operational procedure until the expiration of the time fixed as the parking limit or a portion thereof for the part of the street upon which the meter is placed. Each meter shall also be so arranged that upon the expiration of the legal parking time, it will indicate by a mechanical operation and by proper signal that the lawful parking period has expired. (Ord. 1628 § 37, 2016; prior code § 3213.1)
- D. Parking payment centers shall be installed upon the sidewalk area within reasonable distance to the paid parking spaces to which the payment center manages.
- E. Each parking payment center shall be set to display the applicable parking rates and instructions on use of the payment center.

**SECTION 4.** Section 10.52.030 (Time of operation) of the San Luis Obispo Municipal Code is hereby amended as follows:

**10.52.030 Time of operation.**

The provisions of this chapter relating to the operation of parking meters, parking payment centers, and/or mobile payment methods shall be effective between the hours of nine a.m. and nine p.m. every Monday to Saturday and one p.m. to nine p.m. every Sunday; provided, that for good cause and upon a finding that such action will not jeopardize parking revenues as a necessary source of revenue for payment of outstanding bonded indebtedness, the council by resolution may temporarily suspend the parking meter and parking payment center operating provisions of this chapter for any or all of the city's parking rate zones. (Ord. 1566 § 1, 2011; Ord. 1099 § 2, 1987; prior code § 3213.2)

**SECTION 5.** Section 10.52.040 (Operational procedure to be followed) of the San Luis Obispo Municipal Code is hereby amended as follows:

**10.52.040 Operational procedure to be followed.**

- A. No person shall cause, allow or permit any vehicle, occupied or unoccupied, to remain stopped or parked in any metered parking space unless a sign or signal indicating that meter fees have been paid is displayed by the adjacent parking meter. (Ord. 1655 § 10, 2018; prior code § 3213.4)

- B. No person shall cause, allow or permit any vehicle, occupied or unoccupied, to remain stopped or parked in any space within a parking rate zone unless an active parking session is recorded and available for verification by City staff using the license plate number of the motor vehicle as entered into the payment center upon initiation of a parking session.

**SECTION 6.** Section 10.52.050 (Unlawful to allow vehicle to remain parked after expiration of time) of the San Luis Obispo Municipal Code is hereby amended as follows:

**10.52.050 Unlawful to allow vehicle to remain parked after expiration of time.**

No operator of any motor vehicle shall permit the vehicle to remain parked in any paid parking space during any time that the meter is showing a sign or signal indicating that such space is illegally in use or during any time that an active parking session is not recorded and available for verification by city staff other than such time immediately after the original occupancy as is necessary to register a payment to show legal parking or as is necessary to operate the payment center to record an active parking session. (Ord. 1655 § 11, 2018: prior code § 3213.4)

**SECTION 7.** Section 10.52.060 (Unlawful to increase or extend parking time) of the San Luis Obispo Municipal Code is hereby amended as follows:

**10.52.060 Unlawful to increase or extend parking time.**

No person shall follow the operational procedure or any part of the operational procedure for the purpose of increasing or extending the parking time of any vehicle beyond the legal parking time which has been established for the parking rate zone in which the motor vehicle is standing or parked. This section does not apply to areas where tier-based parking rates have been established. (Prior code § 3213.5)

**SECTION 8.** Section 10.52.070 (Deposit of slugs – Tampering with or injury of) of the San Luis Obispo Municipal Code is hereby amended as follows:

**10.52.070 Deposit of slugs – Tampering with or injury of.**

No person shall deposit or cause to be deposited in any parking meter or parking payment center any defaced or bent coin, or any slug, device or metallic substitute for a coin of the United States, or deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter or parking payment center. (Prior code § 3213.6)

**SECTION 9.** Section 10.52.080 (Use of for certain purposes prohibited) of the San Luis Obispo Municipal Code is hereby amended as follows:

**10.52.080 Use of for certain purposes prohibited.**

No person shall attach any unauthorized thing to or allow a bicycle, news-rack or any other article or thing to lean against a parking meter, parking meter standard, or parking payment center. (Prior code § 3213.7)

**SECTION 10.** Section 10.52.090 (Rule of evidence) of the San Luis Obispo Municipal Code is hereby amended as follows:

**10.52.090 Rule of evidence.**

The parking or standing of any motor vehicle in a parking space, at which space the parking meter displays the sign or signal indicating illegal parking or at which space no active parking session can be verified by City staff using the license plate number of the vehicle, shall constitute a prima facie presumption that the vehicle has been parked or allowed to stand in such space for a period longer than permitted by this chapter. (Prior code § 3213.8)

**SECTION 11.** Section 10.52.110 (Motorcycle spaces) of the San Luis Obispo Municipal Code is hereby amended as follows:

**10.52.110 Motorcycle spaces.**

The Public Works Director or their designee(s) may designate and cause to be installed and maintained parking spaces for the exclusive use of motorcycles, motorized bicycles, and motor driven cycles. (Ord. 1628 § 38, 2016: Ord. 936 § 1, 1982: prior code § 3213.11)

**SECTION 12. Severability.** If any subdivision, paragraph, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforcement of the remaining portions of this ordinance, or any other provisions of the city' s rules and regulations. It is the city' s express intent that each remaining portion would have been adopted irrespective of the fact that any one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

**SECTION 13.** These amendments to Title 10 Chapter 52 of the City of San Luis Obispo Municipal Code do not constitute a "Project" under CEQA Guidelines Sec. 15378.

**SECTION 14.** A summary of this ordinance, together with the names of Council members voting for and against, shall be published at least five (5) days prior to its final passage, in The New Times, a newspaper published and circulated in this City. This ordinance shall go into effect at the expiration of thirty (30) days after its final passage.

**INTRODUCED** on the 1<sup>st</sup> day of June, 2021, **AND FINALLY ADOPTED** by the Council of the City of San Luis Obispo on \_\_\_\_ day of \_\_\_\_, 2021, on the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Mayor Heidi Harmon

ATTEST:

\_\_\_\_\_  
Teresa Purrington  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
J. Christine Dietrick  
City Attorney

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of San Luis Obispo, California, on \_\_\_\_\_.

\_\_\_\_\_  
Teresa Purrington  
City Clerk

Exhibit A

